

# Exhibit D

Page 1

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION: MIDDLESEX COUNTY  
3 DOCKET NO. MID-2912-17AS  
4 APPELLATE DOCKET NO. \_\_\_\_\_

5 RICARDO RIMONDI AND PILAR RIMONDI, )  
6 )  
7 )  
8 Plaintiffs, )  
9 ) TRANSCRIPT  
10 v. ) OF  
11 ) TRIAL  
12 BASF CATALYSTS LLC, et al., )  
13 )  
14 Defendants. )  
15 \_\_\_\_\_ )  
16 )

17 Place: Middlesex County Courthouse  
18 56 Paterson Street  
19 New Brunswick, New Jersey 08903  
20 Date: Tuesday, March 5, 2019  
21 (Volume 1 of 2)  
22 (Pages 1 - 200)

23 BEFORE:

24 HON. ANA C. VISCOMI, J.S.C. and JURY

25 TRANSCRIPT ORDERED BY:

ALLISON BROWN, ESQ.

WEIL, GOTSHAL & MANGES LLP

ANDREA F. NOCKS, CCR, CRR  
PRIORITY ONE

290 West Mount Pleasant Avenue  
Livingston, New Jersey 07039

(718) 983-1234

E-mail: plsteno@veritext.com

Job No. NJ3249822

## 1 APPEARANCES:

2 MARK A. LINDER, ESQ.

JOSEPH N. COTILLET, ESQ.

3 LEYDYLUZ SYMPHORIEN-RESTREPO, ESQ.

MONICA COOPER, ESQ.

4 THE LANIER FIRM

Attorneys for Plaintiffs

5 ALLISON BROWN, ESQ.

6 WEIL, GOTSHAL &amp; MANGES LLP

7 -and-

MORTON DONALD DUBIN, II, ESQ.

8 KEVIN HYNES, ESQ.

ORRICK, HERRINGTON &amp; SUTCLIFFE LLP

9 Attorneys for Defendants,

Johnson &amp; Johnson, and

10 Johnson &amp; Johnson Consumer, Inc.

1           Q     But now, for example, you've done some PLM  
2     work without concentration on Johnson & Johnson  
3     products, right?

4     A     That is correct.

5           Q     So no bias in that against finding  
6     chrysotile, right?

7     A     Yes, sir. There is some.

8           Q     Okay. Because there may be a thin fiber?

9     A     Yes, sir. It's harder to see chrysotile by PLM at  
10    these concentrations.

11          Q     But certainly you no longer have the issue of  
12    heavy density separation, right?

13    A     That is correct.

14          Q     And you still didn't find chrysotile, right?

15    A     No. We haven't seen it.

16          Q     And with respect to TEM work, you said there  
17    are some limitations for looking at, for chrysotile,  
18    with PLM; you could, if you wanted to, do TEM work  
19    without concentration to see if there's any chrysotile  
20    that you can find in any Johnson & Johnson products,  
21    right?

22    A     Within the limitations of the detection limit,  
23    that's correct.

24          Q     And you have simply chosen not to do that  
25    analysis?

1 A That's correct. Not yet.

2 Q So to be clear, when we see documents,  
3 plaintiffs have presented documents that chrysotile is  
4 in Johnson & Johnson, you, the expert, as the expert  
5 coming to testify for them, have not done TEM work  
6 without concentration in order to check whether  
7 chrysotile is really in this product, right?

8 A That is correct.

9 Q So let's now talk about amphiboles. And if  
10 we go to slide 7, I blocked those out a little bit.

11 So now I've separated out the amphibole types  
12 from the -- chrysotile is a serpentine mineral, right?

13 A That is correct.

14 Q And amphibole, the word amphibole does not  
15 mean asbestos, correct?

16 A Does not.

17 Q And you'll see here that for some of the  
18 amphiboles, the amphibole asbestos types are listed on  
19 the left. For some of the amphiboles there are special  
20 names when the amphibole occurs in its asbestos-form,  
21 correct?

22 A Correct.

23 Q So like riebeckite is the non-asbestos  
24 version of crocidolite, just as an example?

25 A That is correct.

Page 200

## CERTIFICATION

I, ANDREA F. NOCKS, C.S.R., License Number  
30XI00157300, an Certified Court Reporter in and for the  
State of New Jersey, do hereby certify the foregoing to  
be prepared in full compliance with the current  
Transcript Format for Judicial Proceedings and is a true  
and accurate non-compressed transcript to the  
Best of my knowledge and ability.



ANDREA F. NOCKS

March 5, 2019

CERTIFIED COURT REPORTER

DATE

MIDDLESEX COUNTY COURTHOUSE